

David Kirk
873 Southern Creek Drive
Saint Johns, FL 32259
(904) 806-6937

January 6, 2022

VIA ECF & E-MAIL

Hon. Andrew L. Carter, Jr.
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: Kirk v. Citigroup Global Markets Holdings Inc., 1:20-cv-07619 (S.D.N.Y.)

More Metadata Inconsistencies

Dear Judge Carter,

In Doc 94 “evidence tampering”, I stated that the meta data in the Docs 91-1 and 91-2 submitted by Defense Council show for both Docs the creation date of 12/10/21 (the date Mr. Ravi filed them with the court) and date modified as many days later after they were filed with the court. This discrepancy led me to look closer at Docs 86-1 through 86-5 filed by Defense Council Mr. Rubin – also screenshots with metadata superimposed. Doc 86-4 (Exhibit D) also shows date of creation as the date filed (6/14/21) yet date modified as 6/22/21 (8 days after filing). Viewing all 5 Doc 86 exhibits and two Doc 91 exhibits, the “Application” field varies from “Microsoft Word 2013” to “Microsoft Word 2016” to “Microsoft Word for Microsoft 365”. The “PDF Producer” field ranges from “Neevia...” to “Microsoft Word 2016...” to “Microsoft Word for Microsoft 365...”. From the Docs I have retained from my case (most but not all because I reached the limit for my pacer account), not a single document filed by myself shows either of the latter two quotes in the “PDF Producer” field.

I don’t know how metadata can be modified many days after Documents are filed with the court, but Mr. Rubin and his partners are the only ones with both the motive and the possible means to effectuate such, being regular known attendees at the courthouse. In any case the metadata strongly suggests that I can be excluded as the author of the majority of the seven exhibits by the “PDF Producer” field. And if my name can appear as the author on Docs with listings for “PDF Producer” different from any Doc that I’ve filed in my case and can also appear in Mr. Ravi’s case who I had no contact with since mid-May of 2021, then the validity and author authenticity of the rest of the seven exhibits that can’t be automatically excluded is totally in doubt.

My Doc 22 Final Amended Complaint was docketed 12/29/2020 using three different methods of grade school math to show obvious gross misstatement in advertising in the uwt stock description advertised in bold and a plethora of other recent frauds for which the Defendant has paid over \$1 billion in federal fines including being under indictment for and

now over a year later our time is consumed by Mr. Rubin presenting evidence that strongly appears to have been doctored (modified dates after filing) and certainly has the potential to be doctored and points to my exoneration as the author more than my inclusion (modified dates and different "PDF Producer" fields)? Add this to the 16 misrepresentations I've already stated as grounds for counter sanctions. Unless Mr. Rubin can explain the discrepancies, especially in the post-docketed modification dates, I suggest he and his firm be removed as Defense Council while still being held liable for sanctions. If he can explain the date discrepancies, then he should explain why he filed such unreliable evidence which exonerates me more than it alleges my inclusion. Thank you.

Respectfully submitted this 6th day of January, 2022

/s/ David M Kirk

David M Kirk, plaintiff

Cc: Samuel J. Rubin (via ECF and e-mail)